

REMARKS

1. Status of claims

After entry of the above amendment, claims 1-32 are pending and under consideration.

2. Support for amendment

The amendment of claims 1, 8, and 9 corrects a typographical error (replacing “blow” with “blood”). The amendment of the specification at pp. 6, 10, and 11 removes references to Figure 19D. No new matter has been added by this amendment.

3. Objection to the disclosure

The Examiner objected to the specification at p. 10, line 8 and p. 11, line 26, for referring to Figure 19D, which is no longer present in the application. By the above amendment, the references to Figure 19D have been removed. Applicants have also removed the reference to Figure 19D which was formerly present at p. 6, lines 6-8. Applicants submit the basis for this objection has been removed.

4. Objection to the claims

The Examiner objected to claims 1-10 on the grounds that claims 1, 8, and 9 recited the phrase “blow flow” instead of “blood flow.” By the above amendment, the objectionable phrase has been corrected. Applicants submit the basis for this objection has been removed.

5. *Claim rejections under 35 U.S.C. § 102*

The Examiner rejected claims 2, 12, 22, and 31 under 35 U.S.C. § 102(e) as being anticipated by Ripamonti *et al.*, US 2003/0104977 (“Ripamonti”). In light of the Declaration under 37 CFR 1.131 of Dr. Rama Akella (“Akella Declaration”) attached hereto, Applicants traverse this rejection.

Ripamonti was filed on March 31, 2000. The Akella Declaration indicates that the present inventors had conceived of methods of promoting natural bypass, promoting vessel growth, treating ischemic tissue damage, by administering a mixture of bone proteins derived from bone prior to March 31, 2000. Therefore, Ripamonti does not qualify as prior art under 35 U.S.C. § 102(e), and this rejection of claims 2, 12, 22, and 31 should be withdrawn.

6. *Claim rejections under 35 U.S.C. § 103*

The Examiner rejected claims 3-7, 13-17, and 23-27 under 35 U.S.C. § 103(a) as being obvious over Ripamonti. In light of the Akella Declaration, Applicants traverse this rejection. For the reasons stated above, Ripamonti does not qualify as prior art against the present application, and this rejection of claims 3-7, 13-17, and 23-27 should be withdrawn.

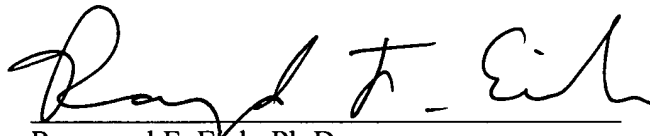
7. *Conclusion*

Applicants submit all pending claims 1-32 are in condition for allowance. The Examiner is invited to contact the undersigned patent agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.
CUSTOMER NO. 45488

June 14, 2005

A handwritten signature in black ink, appearing to read "Raymund F. Eich", is written over a horizontal line.

Raymund F. Eich, Ph.D.

Reg. No. 42,508

10333 Richmond, Suite 1100

Houston, Texas 77042

(713) 934-4065

(713) 934-7011 (fax)

AGENT FOR APPLICANTS